

JC672 U.S. PTO
12/22/99

A/PLANT

Type a plus sign (+) inside this box →

Approved for use through 9/30/00. OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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**PLANT PATENT
APPLICATION (35 U.S.C. 161)
DECLARATION
(37 CFR 1.63)**

Declaration Submitted with Initial OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

| | | |
|------------------------|------------------------|--|
| Attorney Docket Number | | |
| First Named Inventor | Cecil T. Pounders, Jr. | |
| COMPLETE IF KNOWN | | |
| Application Number | 1 | |
| Filing Date | 12-10-1999 | |
| Group Art Unit | | |
| Examiner Name | | |

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct variety of:

Ilex

plant named: Xia Yen

which is claimed and for which a plant patent is sought, the specification of which

is attached hereto OR was filed on (MM/DD/YYYY) _____ as United States

Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have accurately reproduced the plant to which this application applies.

Said plant was found in a cultivated area (check this box for newly found plant only.)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Check Only If Priority Not Claimed | Certified Copy Attached? YES NO |
|-------------------------------------|---------|----------------------------------|------------------------------------|---------------------------------|
| | | | | |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C.119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |
|-----------------------|--------------------------|--|
| | | |

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

JC675 U.S. PTO
09/468889
12/22/99

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FEE TRANSMITTALTOTAL AMOUNT OF PAYMENT (\$ 265)

Complete if Known

| | |
|------------------------|-----------------------------|
| Application Number | <u>12-10-1999</u> |
| Filing Date | <u>Cecil T. Pounds, Jr.</u> |
| First Named Inventor | |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | |

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b)

2. Payment Enclosed:

Check Money Order Other

FEE CALCULATION (fees effective 10/01/96)**1. FILING FEE**

Large Entity Small Entity

| Fee Code (\$) | Fee | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|-----|---------------|---------------------------|----------------------|
| 101 | 770 | 201 | 385 Utility filing fee | <input type="text"/> |
| 106 | 320 | 206 | 160 Design filing fee | <input type="text"/> |
| 107 | 530 | 207 | 265 Plant filing fee | <u>265</u> |
| 108 | 770 | 208 | 385 Reissue filing fee | <input type="text"/> |
| 114 | 150 | 214 | 75 Provisional filing fee | <input type="text"/> |

SUBTOTAL (1) (\$ 265)**2. CLAIMS**

| Total Claims | -20 = | Extra | Fee from below | Fee Paid |
|---------------------------|-------|----------------------|----------------------|----------------------|
| Independent Claims | - 3 = | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Multiple Dependent Claims | | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Large Entity Small Entity

| Fee Code (\$) | Fee | Fee Code (\$) | Fee Description |
|---------------|-----|---------------|--|
| 103 | 22 | 203 | 11 Claims in excess of 20 |
| 102 | 80 | 202 | 40 Independent claims in excess of 3 |
| 104 | 260 | 204 | 130 Multiple dependent claim |
| 109 | 80 | 209 | 40 Reissue independent claims over original patent |
| 110 | 22 | 210 | 11 Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ SUBTOTAL (3) (\$

Reduced by Basic Filing Fee Paid

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-----------------------|-----------------------------|------|-----------------|-------------------------|--|
| Typed or Printed Name | <u>Cecil T. Pounds, Jr.</u> | | | Reg. Number | |
| Signature | <u>Cecil T. Pounds, Jr.</u> | Date | <u>12-10-99</u> | Deposit Account User ID | |

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PTO/SB/20 (8-96)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | | | | |
|--|-------------------------------|----|---|------------------------|--|
| PLANT COLOR CODING SHEET <small>(to be used for new applications only)</small> | | | | Attorney Docket Number | |
| First Named Inventor | <i>Cecil T. Pounders, Jr.</i> | | | | |
| FOR OFFICIAL USE ONLY | | | | | |
| Date of Receipt | | | | | |
| Sheet | 1 | of | 1 | Application Number | |

PLEASE LIST THE ITEM TO WHICH COLOR IS A DISTINGUISHING FEATURE, THE COLOR CODE WHICH BEST REPRESENTS THAT PLANT STRUCTURE AND THE COLOR CODE SYSTEM.

| ITEM | COLOR |
|--------------------|-----------------------|
| Upper Leaf Surface | Green Group 137A |
| Lower Leaf Surface | Green Group 138B |
| Leaf Petiole | Greyed Red Group 178B |
| Young Stems | Greyed Purple 187A |
| Mature Stems | Greyed Green 197A |
| Bark of Trunks | Black Group 202D |
| Flowers | Orange White 154D |
| Fruit Color | Red Group 46B |

COLOR CODE SYSTEM: R.H.S. Colour Chart of Royal Hort. Soc.

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